



July 3, 2002

Ms. Peggy D. Rudd  
Director & Librarian  
Texas State Library and Archives Commission  
P.O. Box 12927  
Austin, Texas 78711-2927

OR2002-3643

Dear Ms. Rudd:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 165200.

The Texas State Library and Archives Commission ("TSLAC") received a request for 2100 items of correspondence and certain documents pertaining to the law firm Arter & Hadden from the records of former Governor George W. Bush. You indicate that TSLAC has released some of the requested information. However, you note that one of the requested documents is labeled by the preparer as "Confidential/Attorney-Client Privilege," and you seek a decision from this office concerning whether the information must be released.

While the submitted document is labeled by the preparer as a confidential and privileged document, you do not argue, nor has anyone else argued, that the document is excepted from disclosure under the Public Information Act. Furthermore, after careful examination of the document, we do not find that any of the information contained in the document is confidential. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 677-78 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977) (information is not confidential merely because it is supplied with the expectation of confidentiality); Open Records Decision No. 344 (1982) (attorney general will raise Gov't Code § 552.101 on its own where applicable). Therefore, we find that you must release the submitted document to the requestor. Gov't Code §§ 552.021, .221, .301, .302; Open Records Decision No. 630 at 4 (1994) (governmental body may waive Gov't Code § 552.107(1)).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

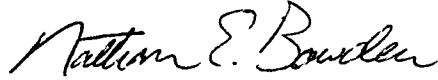
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script, reading "Nathan E. Bowden".

Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/sdk

Ref: ID# 165200

Enc: Submitted documents

c: Mr. Pete Yost  
2021 K Street N.W.  
Washington, D.C. 20006  
(w/o enclosures)